

## **REMARKS**

### **I. Status of the Application**

This Reply as a RCE submission is being submitted in response to the Final Office Action mailed on August 4, 2010. Claims 1-12 are pending in this application. In the Office Action, the Examiner has rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,428,510 to Titus in view of U.S. Patent No. 6,952,575 to Countryman. Reconsideration of the pending claims is requested in view of the claim amendments and the present remarks. Claims 13 and 14 have been added by this paper. No new matter has been added by this amendment.

### **II. Rejection of Claims under 35 U.S.C. § 103**

Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,952,575 (Titus) and in further view of U.S. Patent No. 6,952,575 (Countryman). See final Office Action, page 4, ¶ 10. Applicants respectfully traverse these rejections.

As an initial matter, Applicants respectfully disagree with the Examiner's belief that the routing of a message on a telecommunications network formed by a combination of Titus and Countryman would result in "routing the tariff to one or more billing destination." However, in order to further clarify the scope of the pending claims and move the case towards allowance, claim 1 has been amended to additionally recite "wherein if the tariff is routed to one or more billing destinations having a balance insufficient to pay for the transaction, at least part of the tariff is then routed to one or more further billing destinations." Support for this amendment may be found in FIGs. 13, 15, and 18 and the portions of the specification describing these figures, such as paragraph [0101] which describes that the balance may be overflowed to other balances if the primary balance is not sufficient to pay the tariff. Neither Titus nor Countryman disclose such a limitation.

A combination of Titus and Countryman would only teach the call handle routing system of Countryman with the separate billing system of Titus. There is no teaching or suggestion within either Titus or Countryman that the call handle routing system of Countryman would be incorporated *into* the billing system of Titus. While it is true that Titus incorporates Countryman by reference, it does so in conjunction with how a prepaid calling system functions. *See*, Titus

Col. 3, ll. 18-25. Thus, Titus actually would *teach away* from the modification of its billing system by some combination with features of call handle routing from Countryman, as Titus was aware of Countryman, and Titus teaches a billing system.

Even if Titus and Countryman are combined with respect to the billing system, there is no disclosure in either reference that “if the tariff is routed to one or more billing destinations having a balance insufficient to pay for the transaction, at least part of the tariff is then routed to one or more further billing destinations” as recited in amended claim 1. Titus discloses in FIG. 4 and at col. 7, ll. 36-59 that automatic and manual account replenishment is attempted when an account has insufficient funds, but such a teaching clearly teaches that *only one account* is actually utilized to pay the tariff. Claim 1 is clearly distinguishable from the teaching of Titus, and Countryman in no way suggests that a second billing destination is utilized when the first billing destination lacks sufficient funds, as recited in amended claim 1. Thus, amended claim 1 contemplates that multiple accounts may be utilized in claim 1 to pay a tariff when a tariff is presented to a billing destination with insufficient funds, unlike the system of Titus which waits for a single account to be replenished with sufficient funds. Thus, this element of amended claim 1 is neither taught nor suggested by Titus in view of Countryman, and these references do not support a *prima facie* case of obviousness of claim 1.

Claims 2-8 depend either directly or indirectly from claim 1. For at least the reasons mentioned above with respect to claim 1, claims 2-8 are allowable over Titus in view of Countryman.

Independent Claims 9 and 12 have also been amended to recite a limitation of “wherein if the tariff is routed to a billing destination having a balance insufficient to pay for the transaction, at least part of the tariff is then routed to one or more further tariff [billing – claim 12] destinations.”

As discussed above in connection with claim 1, neither Titus nor Countryman teach or suggest that a second billing destination is utilized when the first billing destination lacks sufficient funds, as recited in amended claims 9 and 12. Thus, amended claims 9 and 12 contemplate that multiple accounts may be utilized to pay a tariff when a tariff is presented to a

billing destination with insufficient funds, unlike the system of Titus which waits for a single account to be replenished with sufficient funds. Thus, this element of amended claims 9 and 12 is neither taught nor suggested by Titus in view of Countryman, and these references do not support a *prima facie* case of obviousness of claims 9 and 12.

Claims 10-11 depend either directly or indirectly from claim 9. For at least the reasons mentioned above with respect to claim 9, claims 10-11 are allowable over Titus in view of Countryman.

Claim 13 and 14 depend directly from claim 1. In addition to the reasons recited above with respect to claim 1, claim 13 is allowable as neither Titus nor Countryman teaches or suggests that a second billing destination is utilized for the entire tariff when the first billing destination lacks sufficient funds to pay the entire tariff. Claim 14 is also allowable in addition to the reasons recited above with respect to claim 1, as neither Titus nor Countryman teaches or suggests that a second billing destination is utilized for the remainder of the tariff when the first billing destination lacks sufficient funds to pay the entire tariff.

**CONCLUSION**

In light of the foregoing amendment and remarks, Applicants respectfully request reconsideration and allowance of the pending claims in this application. The Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 13-0206. Applicants further invite the Examiner to contact the undersigned representative at the telephone number below to discuss any matters pertaining to the present Application.

Respectfully submitted,

Date: December 1, 2010

By: 

Matthew J. Gryzlo, Reg. No. 43,648  
Mark R. Anderson, Reg. No. 54,656  
Customer No. 1923  
McDermott Will & Emery LLP  
227 West Monroe Street  
Chicago, Illinois 60606-5096  
(312) 372-2000  
Attorneys for Applicant